

Pro Se 14 (Rev. 09/16) Complaint for Violation of Civil Rights (Prisoner)

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ALABAMA

Tevin Watts

Plaintiff

(Write your full name. No more than one plaintiff may be named in a complaint.)

-v-

Gwendolyn Givens, Warden

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all of the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here. Your complaint may be brought in this court only if one or more of the named defendants is located within this district.)

2020 FEB -6 A 10:53

U.S. DISTRICT COURT
N.D. OF ALABAMA

Case No.

2:20-CV-170-AKK-GMB
(to be filled in by the Clerk's Office)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS (Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee of \$400.00 or an Application to Proceed *In Forma Pauperis*.

Mail the original complaint and the filing fee of \$400.00 or an Application to Proceed *In Forma Pauperis* to the Clerk of the United States District Court for the Northern District of Alabama, Room 140, Hugo L. Black U.S. Courthouse, 1729 5th Avenue North, Birmingham, Alabama 35203-2195.

I. The Parties to this Complaint**A. The Plaintiff**

Provide the information below for the plaintiff named in the complaint.

Name Tevin Watts
 All other names by which
 you have been known: _____
 ID Number #314217
 Current Institution W.E. Donaldson Correctional Facility
 Address 100 Warrior Lane
Bessemer Ala. 35023-7249
 City State Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed

Defendant No. 1

Name _____
 Job or Title (*if known*) _____
 Shield Number _____
 Employer _____
 Address _____

 City State Zip Code
☒ Individual Capacity ☐ Official Capacity

Defendant No. 2

Name _____
 Job or Title (*if known*) _____
 Shield Number _____
 Employer _____
 Address _____

 City State Zip Code
☐ Individual Capacity ☐ Official Capacity

Defendant No. 3

Name _____

Job or Title (*if known*) _____

Shield Number _____

Employer _____

Address _____

_____ *City* _____ *State* _____ *Zip Code*

☐ Individual Capacity ☐ Official Capacity

Defendant No. 4

Name _____

Job or Title (*if known*) _____

Shield Number _____

Employer _____

Address _____

_____ *City* _____ *State* _____ *Zip Code*

☐ Individual Capacity ☐ Official Capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal law].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*);

- ☐ Federal officials (a *Bivens* claim)
- ☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities, secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Violations of the Eight Amendment of the United
States Constitution.

- C. Plaintiffs suing under *Bivens* may only recover for violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

NA

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

See extra sheets

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☐ Pretrial Detainee
☐ Civilly committed detainee
☐ Immigration detainee
☒ Convicted and sentenced state prisoner
☐ Convicted and sentenced federal prisoner
☐ Other _____
(*explain*)

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

NA

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

C. What date and approximate time did the events giving rise to your claim(s) occur?

On January 23rd at or around 4:30 A.M

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries in detail.

I Sustained a cut across my face and nose leaving a permanent
Scar.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

See Extra sheets

preliminary statement:

This is a Civil Rights action filed by Tevin Watts, a state prisoner, for damages and injunctive relief under 42 U.S.C. § 1983, alleging "deliberate indifference to substantial risk of serious harm and failing to supervise inmates in violation of the Eight Amendment of the United States Constitution.

Jurisdiction:

1. This Court has jurisdiction over the plaintiff's claims of violation of Federal Constitutional rights under 42 U.S.C. §§ 1331 (a) and 1343.

parties:

2. The plaintiff Tevin Watts, was incarcerated at William E. Donaldson Corr Facility ("Donaldson") during the events described in this Complaint.

3. Defendant Gwendolyn Givens is warden III employed at W.E. Donaldson, she is sued in her individual capacity.

4. The defendant has acted and continues to act, under color of state law at all times relevant to this Complaint.

Facts:

5. On January 23rd 2020 at or around 4:15 A.M. there was no Correctional Officer in O-dorm. two inmates who are not assigned to O-dorm came down here to fight each other, the noise from the fight woke the residents from our sleep. guys from O-dorm got up and ran the two non-residents from the dorm. one unstable inmate got up ranting and raving, saying things I didn't understand. he came over to my bed and cut me across the face, and nose. about twenty (20) minutes later, Warden Givens and some Correction Officer came inside the dorm.

"Deliberate Indifference"

6. The inmates in O-dorm are left for hours, shifts, and even days un-supervised, with inmate on inmate assaults going on un-reported. The Department of Justice issued a 56 page report setting forth Eight (8th) Amendment Violations Common in the Alabama Dept of Corrections, plaintiff hereby request this court take Judicial Notice of the D.O.J. report, pages 8-11 in particular.

claims for Relief:

7. Warden Givens comes into O-dorm three (3) or four (4) times a week and has objective and subjective knowledge of the lack of supervision of the inmates in O-dorm and has not taken reasonable actions in response to the danger.

Relief Requested:

8. Wherefore, plaintiff request that the court grant the following relief:

A. Award \$100,000.00 in compensatory damages

B. Grant such other relief as it may appear that plaintiff is entitled.

Date: 2-4-2020

Respectfully Submitted,

Tevin Watts

Tevin Watts # 304217-0.

100 Warrior Lane

Bessemer, Ala. 35033-7299

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

William E. Donaldson Corr. Facility

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☐ Yes

☒ No

☐ Do Not Know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes NA

☐ No

☐ Do Not Know

If yes, which claim(s)?

NA

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☐ Yes

☒ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☒ No

E. If you did file a grievance

1. Where did you file the grievance?

_____ NA _____

2. What did you claim in your grievance?

_____ NA _____

3. What was the result, if any?

_____ NA _____

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. *(Describe all efforts to appeal to the highest level of the grievance process.)*

_____ NA _____

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

There is no grievance system in place here.

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

NA

3. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

NA

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has “on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had any cases dismissed based on grounds that it was frivolous, malicious, or failed to state a claim upon which relief may be granted?

☐ Yes

☒ No

If yes, state which court dismissed your case(s), when this occurred, and attach a copy of the order(s) if possible.

NA

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

NA

2. Court (if federal court, name the district; if state court, name the county and State)

NA

3. Docket or index number

NA

4. Name of Judge assigned to your case

NA

5. Approximate date of filing lawsuit

NA

6. Is the case still pending?

☐ Yes

☐ No

NA

If no, give the approximate date of disposition. _____

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

NA

IX. Certification and Closing

Under Federal Rule of Civil-Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Printed Name of Plaintiff

Tevin Watts

Prison Identification #

314217

Prison Address

100 Warrior LaneBessemer

City

AL

State

35023-7299

Zip Code

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 2-4-2020
(Date)

Tevin Watts
Signature of Plaintiff